

REMARKS

REJECTION UNDER 35 USC §112, ¶2

The examiner rejects claims 1-8 under §112, ¶2 as indefinite. Applicants amend claims 1 and 8 to remedy the examiner's concerns. Claim 1 is now drawn to an elastic tape with transverse stiffening, comprising an elastic tape having a homogenous mass applied as previously claimed. In claim 8, applicants have removed the word "completely."

REJECTION UNDER 35 USC §112, ¶1

Applicants supply herewith a replacement specification expressly setting forth material originally incorporated by reference from US 6,015,379 to Sachse. The new specification contains no new matter, and is a combination of subject matter originally submitted in the specification and subject matter expressly incorporated by reference therein.

With particular reference to the examiner's specific concerns, applicants respectfully submit that the nature of the elastic tape employed in the present invention is well-known to those of skill in the relevant art, and the concepts "open surface" and "dense" structure in their context are readily understood by such individuals. Also, working examples are not required to establish enablement.

[W]hat is necessary is that [the inventor] provide a disclosure sufficient to enable one skilled in the art to carry out the invention commensurate with the scope of his claims.

(*Amgen v. Chugai*, 927 F.2d 1200, 1212, 18 USPQ2d 1016,1026 (Fed. Cir. 1991)

(citing *Atlas Power Co. v. E.I. DuPont de Nemours & Co.*, 750 F.2d 1569, 1576, 224

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USPQ 409, 414 (Fed. Cir. 1984).) Applicants respectfully submit that the present specification contains sufficient teaching to enable one skilled in the art to carry out the invention commensurate with the scope of the present claims.

CONCLUSION

In view of the foregoing amendments and remarks, applicants consider that the rejections of record have been obviated and respectfully solicit passage of the application to issue.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Please replace the present specification with the replacement specification appended hereto.

IN THE CLAIMS

Please amend claims 1-2 and 8 to read as follows:

1. An [A longitudinally] elastic tape with transverse stiffening, comprising an elastic tape having a transverse stiffening strip [(3),] which does not essentially hamper elasticity, wherein the transverse stiffening strip [(3)] consists of a homogenous material[,] which forms a solid connection with the surface [(1)] of the elastic tape and has been applied in the form of beads.
2. The elastic tape as claimed in claim 1, wherein the homogenous [stiffening] material of the stiffening strip [(3)] consists of an adhesive, which is applied in liquid form, makes a firm connection with the elastic tape, either by adhering to the surface or by the penetration of at least one extension [(4)] into the loose surface structure [(1)] of the elastic tape, and which thereafter obtains its required more solid properties by curing.
8. The tape as claimed in claim 1, wherein the adhesive penetrates through the tape [completely].